

FILED  
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U.S. DISTRICT COURT E.D.N.Y.

CIVIL RIGHTS COMPLAINT  
42 U.S.C. § 1983

★ AUG 06 2012 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

-----X  
MACK Butler #217709  
Full name of plaintiff/prisoner ID#

Plaintiff,

JURY TRIAL DEMAND  
YES ☒ NO ☐

-against-  
Suffolk County, Vincent P. Demarco,  
Joseph T. Caracappa, John P. Meyericks  
in their individual and official capacity.  
Enter full names of defendants  
[Make sure those listed above are  
identical to those listed in Part III.]

**CV-12 3917**  
**SEYBERT, J**  
**BROWN, M. J.**

Defendants.  
-----X

L Previous Lawsuits:

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes (✓) No ( )
- B. If your answer to A is yes, describe each lawsuit in the space below (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: MACK Butler #217709

Defendants: Suffolk County Police Dept. Incorp. Suffolk County Police  
Benewent person Detective Patrick McDermott shield No. 198, Taser, Dually, official cap

2. Court (if federal court, name the district;  
if state court, name the county)  
United States District Court, Eastern District of New York.

3. Docket Number: 11-CV-3470 (JS) (GRB)

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CIVIL RIGHTS COMPLAINT  
42 U.S.C. § 1983

★ AUG 06 2012 ★

LONG ISLAND OFFICE

Previous Lawsuits:

1. Parties to this previous lawsuit:

Butler, et al. v. Suffolk County, et al. (formerly known as Lynch v. DeMarco).

Plaintiffs:

MACK BUTLER, DASHAUN SIMS, CLYDE LOFTON, PAUL ALVER, KEVIN KING, AND RICKEY LYNCH,  
on behalf of themselves and all others similarly situated,

Defendants:

Suffolk County, VINCENT F. DEMARCO, in his individual and official capacity, JOSEPH T. CARACAPPA, in his individual and official capacity, JOHN P. MEYERICKS, in his individual and official capacity.

2. Court (if federal court, name the district;  
if state court, name the county)

3. Docket Number. CV 11/02602 (JS)(GRB)

4. NAME of the JUDGE to whom CASE WAS  
Assigned. HON. GARY R. BROWN

5. Disposition: (for example: WAS the CASE Dismissed?  
WAS it Appealed? ~~IS~~ it still pending?)  
The suit is still pending.

6. Approximate Date of Filing Lawsuit:  
MAY, 2011

7. Approximate Date of Disposition:  
still pending

4. Name of the Judge to whom case was assigned: Hon. Gary L. Brown

5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?)

Still pending

6. Approximate date of filing lawsuit: July, 2011

7. Approximate date of disposition: Still pending

II. Place of Present Confinement: Riverhead (Suffolk county) correctional facility

A. Is there a prisoner grievance procedure in this institution? Yes ☒ No ( )

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes ☒ No ( )

C. If your answer is YES,

1. What steps did you take? I made two written request, then grieve the situation, last year and this year.

2. What was the result? Grievance denied.

D. If your answer is NO, explain why not

N/A

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes ( ) No ( )

F. If your answer is YES,

1. What steps did you take? N/A

2. What was the result? N/A

III. Parties:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff MACC Butler # 217704

Address 110 Center Drive, Riverhead NY 11901

(In item B below, place the full name and address of each defendant)

B. List all defendants' names and the addresses at which each defendant may be served. Plaintiff must provide the address for each defendant named.

Defendant No. 1

Sheriff Vincent P. Demarco  
100 Center Dr, Riverhead NY 11901

Defendant No. 2

Joseph T. Caracappa  
110 Center Drive, Riverhead NY 11901

Defendant No. 3

John P. Meyericks  
110 Center Drive, Riverhead NY 11901

Defendant No. 4

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant No. 5

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Make sure that the defendants listed above are identical to those listed in the caption on page 11]

## IV. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 1/2 by 11 sheets of paper as necessary.)

I MACK BUTLER # 217709. I'm A INMATE AT RIVERVIEW CORR. FACILITY IN SULLY COUNTY IN CUSTODY OF SHERIFF VINCENT P. DEMARCO AND WARDEN AND DEPUTY WARDEN JOSEPH T. CARACAPPA AND JOHN P. MEYERICKS. IVE BEEN AT THIS FACILITY SINCE 1/8/2011. I MACK BUTLER BEING A DEVOTE MUSLIM AT PRACTISE HAVE TO FAST FOR APPROX THIRTY DAY'S EVERY YEAR IN THE HOLY MONTH OF RAMADAN. LAST YEAR RAMADAN CAME IN AUG. 1ST 2011, AFTER SPEAKING TO PROGRAM SGT PICKER AND PROGRAM LT. MCCLARKIN IN REGARDS TO BEING SEVERAL HOURS MEAL DURING THE MONTH OF RAMADAN AND BEING DENIED, I PROCEEDED TO GRIEVANCE STEP'S WHICH WAS DENIED AND MY APPEAL TO WARDEN WAS NOT ANSWERED (8/9/2011) GRIEVANCE # E-2011-368. THIS YEAR (2012) RAMADAN CAME APPROX JULY 20TH 2012 AFTER SPEAKING WITH AND GIVING WRITTEN REQUEST TWICE TO SGT. PICKER AND LT. MCCLARKIN AS WELL AS SPEAKING TO AHEAD COOK AT 5:50 PM 7/21/2012 (SEE ADDITIONAL STATEMENT)

## IV. A

If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

extreme stress, AS A result of religious Disrespect AND DISREGARDS. JULY 20TH 2012 APPROX 8:00PM SHAKE DOWN SGT'S AND OFFICER'S THREW MY MEAL ON THE FLOOR AND PLACE MY PRAYER RUG INSIDE THE TOILET. I'm waiting to be CALLED to mental Health, I've DROPPED SEVERAL SLIP'S.

(Additional) Statement of claim:

expressing that inmate are entitled to observe reasonable dietary laws established by their religion, and that the muslim Islamic law says I should be served Halal meals.

I gave two written request to program department Sgt. Pichon and program Lt. McClarkin on 7/20/2012 and 7/21/2012

The program department along with the kitchen department head cooks and cooks: JOE MORRISON, DANIEL, CHRIS, TOD, BARBARA, and MIKE reply was, There is no Halal meal for muslims in riverhead core facility namely for MARK BUTLER. I placed a grievance 7/26/2012 after being served: fish cakes, beets, mash potatoes, salad (7/20/2012) red meat sauce, kidney beans, rice, salad (7/21/2012), red meat sauce, meat patties, noodles, green peas, salad (7/22/2012), chicken, potatoes, corn, salad 7/24/2012 Turkey meat sauce, rice, lima beans, salad (7/23/2012), pasta meat sauce, mixed vegetable, salad (7/25/2012), meat sauce, french fries, cheese bread, salad (7/26/2012), fish cake, beets, mash potatoes, salad, cheese bread, (7/27/2012) etc.

My first and fourteenth amendments are and has been violated by the name defendant in their individual and official capacity. ON JULY, 29<sup>TH</sup>, 2012 at approx 8:00 PM while serving our RAMADAN meal a shake down was conducted and, A Sgt. ordered officers to throw out all food products that was served to the muslim inmates that was fasting the entire day. A shake down was only conducted on the Tier where the muslim was fasting, not the south east Tier, only the south west Tier that is being used for RAMADAN inmates. I received no meal or any type the night of 7/29/2012.

V. Relief:

State what relief you are seeking if you prevail on your complaint.

That the Rivenhead's corr. facility provide HALL meals  
All Year including the month of Ramadan.  
Damages in the amount of \$ 10 million dollars  
in compensatory and punitive damages in their  
individually and official capacity for the mental  
PAIN AND suffering.  
Awarding such other and further relief that  
this court may deem just and proper.

I declare under penalty of perjury that on 8/3/2012, I delivered this  
(Date)  
complaint to prison authorities to be mailed to the United States District Court for the Eastern  
District of New York.

Signed this 3rd day of August, 2012. I declare under penalty of  
perjury that the foregoing is true and correct.

Mary Kelly  
Signature of Plaintiff

Sullivan County Corr. Facility (Rivenhead's)  
Name of Prison Facility

110 Center Drive  
Riverhead NY 11901

\_\_\_\_\_  
Address  
# 217709  
Prisoner ID#



## SUFFOLK COUNTY SHERIFF'S OFFICE GRIEVANCE FORM

NAME: <u>MAK Butler</u>	GRIEVANCE #: <u>R-2011-368</u>	
PIN #: <u>217709</u>	D.O.B.: <u>10/31/1974</u>	LOCATION: <u>2 South West</u>
FACILITY: <u>Everett</u>		DATE: <u>8/4/2011</u>

**I. Specific detailed description of the Grievance:** (Be sure to review Grievance Procedure as outlined in the Inmate Rulebook before completing Grievance.) You should first attempt to resolve this issue with your Housing Officer and/or the Housing Area Sergeant.

ON THE AFTERNOON OF AUG, 1<sup>st</sup>, 2011, I spoke to the housing officer along with a program or special activity sergeant namely sergeant fisher and Lt. McClauckin. At approx 2:25 PM, myself along with every muslim inmate ask the Sgt and Lt. McClauckin are we going to receive or blessed HALAL MEAT when the sunsets? The reply from sergeant fisher and Lt. McClauckin was "It's not in the budget". I further stated that every other correctional facility on Long Island - and the city as well as upstate receives blessed HALAL food. The sergeant fisher and Lieutenant McClauckin replied you all should have got locked up in those places and that HALAL is not in the budget. This action took place during the meet between the muslim inmate community and the program sergeant and Lieutenant. When the food cart came to unit one South West to serve the muslim inmates blessed HALAL food was not present to offer to muslim inmate at Everett's corr. facility.

Additional Sheets Attached ( )

**II. Action(s) requested by the grievant:**

That the muslim inmates be allowed to practice the religion of ISLAM by breaking our fast with a HALAL meat (blessed food) everyday in the month of RAMADAN.

Additional Sheets Attached ( )

Signature of Grievant: MAK Butler Date: 8/4/2011

\*\*\*\*\* INMATES DO NOT WRITE BELOW THIS LINE \*\*\*\*\*

**Receiving Officer** - List any and all attempts made to resolve the issue described above.

Receiving Officer: # Date:

**Housing Area Sergeant** - List any and all attempts made to resolve the issue described above.

**SUFFOLK COUNTY SHERIFF'S OFFICE  
GRIEVANCE PROCESSING UNIT DECISION FORM**

<b>NAME: Butler, Mack</b>		<b>GRIEVANCE # R-2011-368</b>		
<b>PIN #</b> 217709	<b>D.O.B.</b> 10-31-1974	<b>LOCATION:</b> 1S/W	<b>FACILITY:</b> Riverhead	<b>DATE:</b> 08-09-2011
<b>Decision of the Grievance Coordinator:</b> (include specific facts / reasons supporting the decision)				
<input checked="" type="checkbox"/> <b>Grievance Denied</b> <input type="checkbox"/> <b>Grievance Accepted</b> <input type="checkbox"/> <b>Grievance Resolved</b>				
Inmate Butler has one issue he is grieving.				
Issue: Inmate Butler wants the proper Halal meal served for Ramadan.				
Response: The Facility Kitchen Staff is attempting to follow the Ramadan constraints as possible. The food provided consists of: a larger entree plate, a garden salad, fruit, cereal, peanut butter, jelly, bread, juice, milk, and hot water. An inmate Imam oversees the loading of the food cart and delivers it to the celebrating inmates. The State Commission of Correction states in Section 7024.6 Prisoners are entitled to observe reasonable dietary laws established by their religion. The diet provided is reasonably close to the Ramadan Halal meal required by the Muslim religion.				
<b>Acceptance / Appeal of Grievance Decision:</b> (Please check one below)				
I agree to accept the decision <input type="checkbox"/>				
I wish to appeal to the Warden <input checked="" type="checkbox"/>				
<b>Inmate Signature:</b>		<b>Date:</b>		
[Signature]		8/10/11		
<b>Signature of Grievance Coordinator:</b>		<b>Date:</b>		
[Signature]		08-09-2011		

Distribution: Original to Grievance Case File, copy to Prisoner

(first request)

7/20/2012

- Hot water at night on inmate RAMADAN Tier.
- Two Hot Breakfast meal's A week
- HALAL meal's in accordance with sec. 7024.6  
(Prisoners are allowed Dietary Law's established By  
Their religion)
- SALAD Dressing

Signed. Mark Heller  
# 217709

CC - Lt of Program's  
(religious service's)

(SECOND Request)

7/21/2012

- Hot water At night ON RAMADAN TIEK
- Two Hot Breakfast meal's A week
- HALAL meals IN ACCORDANCE with sec. 7024.6  
(Prisoners are allowed Dietary Laws established  
By thier religion)
- SALAD Dressing
- Jesse Frierson, Is not recieving  
his Ramadan feed up.

signed Mark Beebe  
# 217709

C.C. Lt of Program's  
(religious services)

29-0559P, 4/11

# **SUFFOLK COUNTY SHERIFF'S OFFICE GRIEVANCE APPEAL FORM**

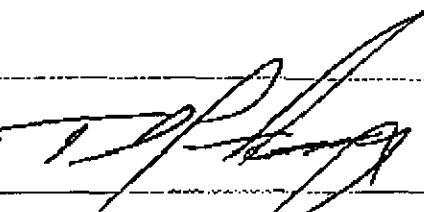
<b>NAME:</b> Butler, Mack		<b>GRIEVANCE #</b> R-2011-368	
<b>PIN #</b> 217709	<b>D.O.B.</b> 10-31-1974	<b>LOCATION:</b> 1S/W	<b>FACILITY:</b> Riverhead
		<b>DATE:</b> Aug 12, 2011	

**Decision of the Warden:** (Include specific facts / reasons supporting the decision)

☒ **Grievance Denied**
                         
 ☐ **Grievance Accepted**

I have reviewed the pertinent documents and sustained the decision of the grievance unit.

---

**Warden's Signature:**  **Date:** 08/12/2011


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**Acceptance / Appeal of the Warden's Decision:** (Please check one below)

I agree to accept the decision ☐

I have read the decision of the Warden, and I wish to appeal to the Citizens Policy Complaint Review Council (C. P. C. R. C.) at the Commission of Correction. ☒

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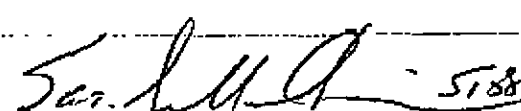
**Grievant Signature:**  **Date:** 8/19/2011

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**SUBMISSION TO THE CITIZENS POLICY AND COMPLAINT REVIEW COUNCIL:**

☒ I HAVE ENCLOSED WITH THIS GRIEVANCE THE INVESTIGATION REPORT AND ALL OTHER PERTINENT DOCUMENTS.

---

**Signature of Grievance Coordinator:**  **Date:** 08-19-2011

Distribution: Original to Grievance Case File, copy to Prisoner

SCSO CF-219C (01/11)

I recieved this copy today. 8/3/2012

*Mack Butler*

7007 0710 0005 6799 6725

<b>U.S. Postal Service™</b>	
<b>CERTIFIED MAIL™ RECEIPT</b>	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage \$	2-2011-368 Butler 08-19-2011 Postmark Date
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To <b>Citizen's Policy and Complaint Review Council</b> Street, Apt. No. or PO Box No. <b>New York State Commission of Correction</b> City, State, ZIP+4 <b>80 Wolf Road, 4th Floor</b> <b>Albany, New York 12205</b> PS Form 3800, August 2005 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>[Signature]</i>	
1. Article Addressed to: <b>Citizen's Policy and Complaint Review Council</b> <b>New York State Commission of Correction</b> <b>80 Wolf Road, 4th Floor</b> <b>Albany, New York 12205</b>		B. Received by (Printed Name) <i>[Signature]</i> C. Date of Delivery <b>8/24/11</b>	
2. Article Number <i>(Transfer from service label)</i>		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7007 0710 0005 6799 6725			
PS Form 3811, February 2004		Domestic Return Receipt 102505-02-M-1540	

I received this copy Today, 8/3/2012

Mark Butler



STATE OF NEW YORK • EXECUTIVE DEPARTMENT  
STATE COMMISSION OF CORRECTION  
80 WOLF ROAD, 4TH FLOOR  
ALBANY, NY 12205-2670  
(518) 485-2346  
FAX (518) 485-2467

CHAIRMAN  
Thomas A. Beilein

COMMISSIONER  
Phyllis Harrison-Ross, M.D.

October 18, 2011

**INMATE  
COPY**

Sheriff Vincent DeMarco  
Suffolk County Sheriff's Office  
100 Center Drive  
Riverhead, New York 11901

Re: Grievance #11-LG-16142 - Facility #R-2011-368 - Mack Butler

Dear Sheriff DeMarco:

The Citizens' Policy and Complaint Review Council has reviewed the above-referenced grievance at its October 13, 2011 meeting and the Council voted to deny this grievance. The Council sustains the action taken by the facility administration.

If you have any questions about the Council's decision, please direct any inquiries to me at the above address.

Sincerely,

Thomas A. Beilein  
Chairman

cc: Facility Grievance Coordinator

**INMATE  
COPY**

I received this copy today, 8/3/2012

An Equal Opportunity/Affirmative Action Employer



NAME: MARK Butler

8/3/2012

P.N: 217709

Loc. riverhead corr. facility, 1. South west.

MENU

- 7/20/2012 - Fish cakes, Beets, mash potatoes, salad.
- 7/21/2012 - red meat sauce, kidney beans, rice, salad.
- 7/22/2012 - red meat sauce meat patties, noodles, green peas, salad.
- 7/23/2012 - Turkey, meat sauce, rice, Lamma Beans, salad.
- 7/24/2012 - Chicken, potatoes, corn, salad.
- 7/25/2012 - Pasta meat sauce, mixed vegetables, salad.
- 7/26/2012 - meat sauce, french fries, corn, salad.
- 7/27/2012 - Fish cakes, Beets, mash potatoes, salad.
- 7/28/2012 - TUNA, Noodles, Three Bean salad, salad.
- 7/29/2012 - Chicken, mash potatoes, carrots, cheese bean salad.
- 7/30/2012 - meat sauce, rice, kidney beans, salad.
- 7/31/2012 - meat sauce, noodles, salad.
- 8/1/2012 - meat sauce, mash potato, string beans, salad.
- 8/2/2012 - meat patties, Noodles, Green peas, salad.
- 8/3/2012 - Fish cakes, Beets, mash potatoes, salad.

This is the same menu for the whole prison at Riverhead corr. facility.

This is not a reasonable dietary meal established by my religion nor is it reasonably close, for it's the same yearly menu.